

Nicoletti Hornig & Sweeney

WALL STREET PLAZA

88 PINE STREET

SEVENTH FLOOR

NEW YORK, NY 10005-1801

TELEPHONE 212-220-3830

TELECOPIER 212-220-3780

E-MAIL: general@nicolettihornig.com

WEBSITE: www.nicolettihornig.com

* ALSO ADMITTED IN TEXAS
† ALSO ADMITTED IN NEW JERSEY
◊ ALSO ADMITTED IN CALIFORNIA
Δ ALSO ADMITTED IN MARYLAND

NEW JERSEY OFFICE

505 MAIN STREET, SUITE 106
HACKENSACK, NJ 07601-5928
TELEPHONE 201-343-0970
TELECOPIER 201-343-5882

October 22, 2014

JOHN A.V. NICOLETTI
JAMES F. SWEENEY
DAVID R. HORNIG *
FRANK M. MARCIGLIANO
BARBARA A. SHEEHAN
NOOSHIN NAMAZI †
ROBERT A. NOVAK
TERRY L. STOLTZ
RICHARD W. STONE II
MICHAEL F. MCGOWAN
VINCENT A. SUBA
SAMUEL C. COLUZZI †
GUERRIC S.D.L. RUSSELL †
KEVIN J.B. O'MALLEY
WILLIAM M. FENNELL
VAL E. WAMSER †
LINDA D. LIN ♦

JAMES E. MORRIS Δ†
JEFFREY W. BINKLEY †
KRISTEN L. TEATOM †
DANIEL E. GORMAN †
LAURA J. O'NEILL †

VIA ECF AND FACSIMILE (212) 805-7986

Hon. Paul G. Gardephe
U.S. District Court, Southern District of New York
40 Foley Square, Courtroom 705
New York, N.Y. 10007

RE: *MCC Non Ferrous Trading Inc. v. AGCS Marine Insurance Company*
Case No.: 14 Civ. 8302 (PGG)(JF)
NHS File No.: 42000101 JAVN/NN/KJO

Dear Judge Gardephe:

We represent defendant AGCS Marine Insurance Company in the above-captioned action. We respectfully submit the attached joint Stipulation and proposed Order extending AGCS' time to answer, move or otherwise respond to the Complaint, except for any objections to the improper service of the Summons and Complaint, to and including December 9, 2014.

As required by paragraph 1(D) of Your Honor's Individual Rules of Practice in Civil Cases, AGCS states: (1) the current deadline for AGCS to answer, move, or otherwise respond to the Complaint is November 10, 2014; (2) the length of time requested for the extension is through December 9, 2014; (3) there have been no previous requests for an extension; (4) the reason for the current request is, in lieu of plaintiff effecting formal service of the Summons and Complaint, the undersigned counsel for AGCS agreed to accept service of the Summons and Complaint and the undersigned counsel has just been retained to represent AGCS and would request a sufficient opportunity to review and prepare for the representation; and (5) Plaintiff consents to the request.

October 22, 2014

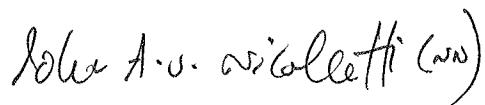
Page 2

Accordingly, we respectfully attach the joint Stipulation and proposed Order for Your Honor's consideration. A copy of the Stipulation and proposed Order has been submitted to the Orders and Judgments Clerk.

Respectfully,

NICOLETTI HORNIG & SWEENEY

By:



John A. V. Nicoletti

JAVN/NN/mm

Attachment

cc:

VIA ECF AND E-MAIL

Joshua Gold, Esq.

Dennis J. Nolan, Esq.

ANDERSON KILL P.C.

Attorneys for Plaintiff

1251 Avenue of the Americas

New York, NY 100200

(212) 278-1000

jgold@andersonkill.com

dnolan@andersonkill.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCC NON FERROUS TRADING INC.,

x

: 14-CIV-8302 (PGG)(JF)

Plaintiff,

: **STIPULATION AND ORDER**

- against -

AGCS MARINE INSURANCE COMPANY,

:

Defendant.

:

x

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that counsel for Defendant AGCS MARINE INSURANCE COMPANY has agreed to accept service of Plaintiff's Summons and Complaint, and, in fact, has accepted service without waiving any defenses except as to the sufficiency of service of process; and

IT IS FURTHER STIPULATED AND AGREED that Defendant AGCS MARINE INSURANCE COMPANY's time to answer, move or otherwise respond to the Complaint, except as to any objections to improper service of the Summons and Complaint, is hereby extended to and including December 9, 2014. There have been no prior extensions or requests therefor.

Dated: October 22, 2014

NICOLETTI HORNIG & SWEENEY

By: John A. V. Nicoletti

John A. V. Nicoletti (JN7174)
Nooshin Namazi (NN9449)
Kevin J.B. O'Malley (KO8532)

88 Pine Street, 7th Floor
New York, NY 10005
(212) 220-3830
jnicoletti@nicolettihornig.com;
nnamazi@nicolettihornig.com
komalley@nicolettihornig.com

Attorneys for Defendant

ANDERSON KILL P.C.

By: Joshua Gold

Joshua Gold, Esq.
Dennis J. Nolan, Esq.
1251 Avenue of the Americas
New York, NY 100200
(212) 278-1000
jgold@andersonkill.com;
dnolan@andersonkill.com

Attorneys for Plaintiff

SO ORDERED:

U.S.D.J.